

REMARKS

Applicants wish to express their appreciation to the Examiner for consideration of the submitted claims. In accordance with the forgoing, the specification and claims 1, 21, 27 and 31-34 have been amended. Claims 1-34 are pending and under consideration.

I. Objection to the Specification

The disclosure is objected to because of formalities. Applicants wish to extend their gratitude to the Examiner for pointing out the informality. Paragraph 1 of the specification has been amended as suggested. In addition, paragraph 41 has been amended to change "U.S. Patent Application 09/566,477, filed May 8, 2000" to "U.S. Patent No. 6,393,316". Accordingly, withdrawal of the objection is respectfully requested.

II. Claim Objections

The claims stand objected to as being misnumbered. Applicants wish to extend their gratitude to the Examiner for renumbering claims 33-36 as claims 31-34, respectively. As suggested by the Examiner, in order to maintain consistency in the number of the claims, claim 32 has been amended to depend from claim 31, claim 33 has been amended to depend from claim 32 and claims 34 has been amended to depend from claim 33. Accordingly, withdrawal of the objection is respectfully requested.

III. Claim Rejections – 35 USC § 102

Claims 1, 2, 5-8, 11-13, 16, 17, 20-22, 25-28, 31 and 32 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (2002/0183637, hereinafter "Kim").

The present invention is directed to a method of generating a template in an implantable medical device that maximizes the probability of collecting slow,

non-paced beats during the sample collection process from which to generate the template during a template generation process. In particular, once consecutive beats are found to be non-paced beats, a determination is made as to whether a subsequent predetermined number of beats are non-paced beats, and if the predetermined number of subsequent beats are non-paced beats, the template is generated based only on the predetermined number of non-paced beats.

Kim teaches calculating and checking the average rate and regularity of sensed R-waves and suspending the template update if the rate is too fast or if the regularity is not regular. In particular, Kim teaches determining whether an average rate of 20 beats is less than a predetermined interval, and whether at least 50% of 20 beats are regular, and if so, then suspending template generation. However, Kim does not teach determining whether there are consecutive beats having first characteristics and identifying a predetermined number of events subsequent to the consecutive events having second characteristics as first selected events, and generating the template from only the first selected events, as set forth in the claims of the present invention. Accordingly, for at least this reason, withdrawal of the rejections is respectfully requested.

In addition, the Examiner relies on paragraph 108 of Kim as teaching computing a cross-match between the predetermined number of events identified as first selected events to generate cross-matches set forth in the claims of the present invention. However, as described in the present application, a cross-match is computed by matching one non-paced beat against another non-paced beat of the predetermined number of non-paced beats (see paragraph 54 of the present application, for example). Merely comparing 21 beats to a threshold, as taught by Kim, does not correspond to "cross-matching" as described in the present application. Kim does not teach or suggest matching one non-paced beat against another non-paced beat of the predetermined number of non-paced

beats, set forth in the present application. Accordingly, for this reason, withdrawal of the rejections of claims 5, 6, 11-15, and 20-26 is also respectfully requested.

IV. Claim Rejections – 35 USC § 103

Claims 5, 6, 14, 15, 19 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kim. As discussed above, Kim does not teach or suggest determining whether there are consecutive beats having first characteristics and identifying a predetermine number of events subsequent to the consecutive events having second characteristics as first selected events, and generating the template from only the first selected events, as set forth in the claims of the present invention. Nor does Kim teach or suggest generating cross-matches as set forth in the claims. Accordingly, withdrawal of the rejections is respectfully requested for the reasons set forth above.

V. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this Amendment, the Examiner is requested to telephone the undersigned attorney to attend to those matters.

Respectfully submitted,

JIAN CAO ET AL.

September 21, 2006
Date

/Michael C. Soldner/
Michael C. Soldner
Reg. No. 41,455
(763) 514-4842
Customer No. 27581